

1 **PRESIDING COMMISSIONER ENG:** So this would
2 be your number one choice. Okay. Unfortunately,
3 this is the only letter --

4 **DEPUTY COMMISSIONER FILANGERI:** Pardon me.
5 [Thereupon, the tape was turned over.]

6 **DEPUTY COMMISSIONER FILANGERI:** Guess
7 there's a leader here. This is side two of tape
8 one for the tape-recorded hearing transcript of
9 the parole consideration hearing for Mr. Harrison
10 -- Suega?

11 **INMATE SUEGA:** Suega.

12 **DEPUTY COMMISSIONER FILANGERI:** Suega.
13 S-E-U-G-A, E number, 46750. Thanks. Sorry for
14 the interruption. Go right ahead.

15 **PRESIDING COMMISSIONER ENG:** Okay. So you
16 had -- did you request an updated letter from your
17 friend here?

18 **INMATE SUEGA:** Uh-huh.

19 **PRESIDING COMMISSIONER ENG:** Okay. But
20 didn't receive it time?

21 **INMATE SUEGA:** Well, she sent the updated
22 letter to Sacramento I believe two months, three
23 months ago.

24 **PRESIDING COMMISSIONER ENG:** Okay. Of what
25 we have in here, okay. So that's one. Okay.
26 These are support. I'll go through these also.
27 Okay. And we've got another letter that's also

42

1 dated October 30th, 2005, from an Anthony Robles,
2 R-O-B-L-E-S. States that he's known you for
3 approximately 20 years, and states that he was
4 released from prison almost five years ago and
5 he's not returned to incarceration, and that he's
6 a certified chemical dependency counselor for
7 at-risk youth, and he states that he's extending
8 his hand to offer any services to the inmate that
9 he would need to become successful, all -- and all
10 of this he's offering free of charge, counseling
11 sessions, or any other means necessary. Can't
12 quite see where, yet somewhere in California.
13 Okay. So that's a general support letter. I've
14 got one dated October 4th of 2006 from Trust
15 Fellows. This is signed by Garry, G-A-R-R-Y,
16 Mendez, M-E-N-D-E-Z, Ph.D. and National Director.
17 He sending this letter, I believe, in support. He
18 says he's "pleased to ardently endorse Harrison
19 for parole so that he can contribute to the
20 restoration of our communities and young people
21 damaged by violence, crime and neglect." He
22 states that you exemplify the metamorphosis that
23 an individual can achieve through authentic
24 commitment to personal responsibility and ethics.
25 So I guess you really impressed Dr. Mendez through
26 your participation in Trust.

27 **INMATE SUEGA:** I'm also a facilitator --

43

1 PRESIDING COMMISSIONER ENG: Being --

2 INMATE SUEGA: -- of classes.

3 PRESIDING COMMISSIONER ENG: -- a

4 facilitator?

5 INMATE SUEGA: Right.

6 PRESIDING COMMISSIONER ENG: Okay. So it's
7 a very nice letter of support from this -- from
8 the doctor. We've got a letter from Sonoma State
9 University, Elaine Leeder, L-E-E-D-E-R, dated --
10 undated -- oh, no, it can't be dated December 6th,
11 2005, we're not there yet. Oh, I'm sorry, it is
12 -- getting confused in my years. It's dated
13 December 6th, 2005, and it's a general letter of
14 support for you, that she's a volunteer professor
15 in the Patton University Program at San Quentin
16 and you were enrolled in one of her classes.

17 INMATE SUEGA: Yes.

18 PRESIDING COMMISSIONER ENG: Okay. And she
19 also states that she's had an opportunity to meet
20 your family through an event held at San Quentin
21 and found them to be "very supportive and eager to
22 help him when he's released." So what family
23 members were able to visit?

24 INMATE SUEGA: My aunt.

25 PRESIDING COMMISSIONER ENG: From Southern
26 California?

27 INMATE SUEGA: No, she's in Vacaville.

1 **PRESIDING COMMISSIONER ENG:** You have --
2 okay. We've got a letter dated -- another one
3 December 3rd, 2005, from University of San
4 Francisco. Is that Dr. Jeffrey Paris, P-A-R-I-S,
5 Assistant Professor of Philosophy, and I guess you
6 took one of his classes?

7 **INMATE SUEGA:** Yes.

8 **PRESIDING COMMISSIONER ENG:** Okay. It
9 states that "We've appreciated your contribution
10 to the class this semester" and how your work has
11 been very thorough and consistent. Wishes you
12 luck in your continued studies and thanking you
13 for the opportunity to bring new ideas and texts
14 to you and other students at San Quentin and for
15 your responsiveness to these ideas. Okay. Then I
16 -- okay. Then we have a nice handwritten letter
17 dated September 27th, 2005 from your -- it could be
18 your youngest brother?

19 **INMATE SUEGA:** Right.

20 **PRESIDING COMMISSIONER ENG:** His name is
21 Hawaii, H-A-W-A-I-I, Opapo --

22 **INMATE SUEGA:** Yeah.

23 **PRESIDING COMMISSIONER ENG:** -- O-P-A-P-O.

24 **INMATE SUEGA:** That's my sister.

25 **PRESIDING COMMISSIONER ENG:** Oh, I'm sorry,
26 from your sister.

27 **INMATE SUEGA:** My youngest sister.

45

1 **PRESIDING COMMISSIONER ENG:** Okay. It
2 states that "Harrison is my oldest brother" --
3 okay, so this is from your younger sister -- "and
4 I am the second youngest of seven," she's now 20
5 years old, and she states that she's never had a
6 chance to meet you in person.

7 **INMATE SUEGA:** Yes.

8 **PRESIDING COMMISSIONER ENG:** And that she
9 hopes to be able to soon. She also states that
10 she would be happy to help you in any way possible
11 that fits your needs. Where does she live?

12 **INMATE SUEGA:** In Seattle now with my other
13 sisters.

14 **PRESIDING COMMISSIONER ENG:** So she lives up
15 in Seattle. Okay. But you haven't had a chance
16 to meet her yet. Okay. We also have a letter
17 dated September 25th, 2005 from your aunt, and her
18 name is Sami, S-A-M-I, So'alo?

19 **INMATE SUEGA:** Uh-huh.

20 **PRESIDING COMMISSIONER ENG:**
21 S-O-apostrophe-O-A-L-O. She's your aunt. She's
22 your -- okay. She states that she's also been
23 like a mother to you, because from the day that
24 you were born she helped with your family every
25 day because they lived right next-door. So I'm
26 assuming that she still lives in Hawaii?

27 **INMATE SUEGA:** Yes.

46

1 **PRESIDING COMMISSIONER ENG:** She said that
2 she wishes for you to come to Hawaii, but I'm not
3 sure about that right now. She's 62 years old,
4 but now she's 63, this is a year later. When was
5 the last time you saw your aunt?

6 **INMATE SUEGA:** 'Ninety-six or '95. They
7 came to visit me when I was in Pelican Bay.

8 **PRESIDING COMMISSIONER ENG:** Okay. She have
9 a large house back in Hawaii?

10 **INMATE SUEGA:** Yes. Two houses.

11 **PRESIDING COMMISSIONER ENG:** So if and when
12 you get a chance to go back to Hawaii, there's
13 plenty of room there?

14 **INMATE SUEGA:** Yes.

15 **PRESIDING COMMISSIONER ENG:** Okay. We also
16 have an affidavit from the Territory of American
17 Samoa. It's notarized and signed by your uncle.
18 Okay. Taala Fili Fuimaono.

19 **INMATE SUEGA:** Uh-huh.

20 **PRESIDING COMMISSIONER ENG:** First name
21 spelled T-A-A-L-A, then F-I-L-I, last name
22 F-U-I-M-A-O-N-O, and this affidavit states that he
23 is 72 years old and a resident of Putiga, American
24 Samoa, that you are his nephew, and that he is
25 able and willing to provide you for needs until
26 you can provide for yourself. He states that he's
27 a retiree of the American Samoa government and

47

1 that he receives a monthly check, and also
2 receiving Social Security every month, and he
3 gives the amounts, and that in addition to that,
4 he's working part-time and he earns -- he states
5 how much he earns biweekly. He's making this
6 affidavit for the sole purpose of certifying and
7 verifying that he is in fact willing and able to
8 support his nephew, the inmate, should he be
9 granted parole. Okay. Have I missed any letters,
10 sir?

11 INMATE SUEGA: No.

12 PRESIDING COMMISSIONER ENG: Okay.

13 ATTORNEY STRINGER: Did we read the letter
14 from Liza Munoz?

15 PRESIDING COMMISSIONER ENG: Yes, I did.

16 ATTORNEY STRINGER: You did.

17 PRESIDING COMMISSIONER ENG: Yeah.

18 ATTORNEY STRINGER: Thank you.

19 PRESIDING COMMISSIONER ENG: Yeah. She

20 states she's willing to extend her house and
21 family. Unfortunately, it doesn't have any
22 address. However -- I'm sorry -- it states it in
23 here. Okay. So what about employment?

24 INMATE SUEGA: I don't have concrete
25 employment right now, but I mean I'm taking viable
26 job skills, 18 years of employment in prison,
27 different -- in different aspects of -- I mean

48

1 from cook to sweeping, to mopping floors, and two
2 vocations that -- one in Plumbing and vocational
3 Masonry -- I'm taking Plumbing right now,
4 including Dry Cleaning, which I probably won't get
5 into, but it's always something that I know, and
6 paralegal, which I won't practice, but again, it's
7 a skill that I know and can always utilize it in
8 different aspects.

9 **PRESIDING COMMISSIONER ENG:** Do you have any
10 copies of any letters that you sent inquiring
11 about types of positions that might be open to you
12 that you -- that people would be -- would actually
13 consider interviewing you for? Have you done
14 anything like that?

15 **INMATE SUEGA:** I've written to places, but
16 it's just --

17 **PRESIDING COMMISSIONER ENG:** But you haven't
18 kept copies of the letters?

19 **INMATE SUEGA:** No.

20 **PRESIDING COMMISSIONER ENG:** Okay.

21 **INMATE SUEGA:** It's just they never wrote
22 back, so I mean it's difficult to ask for
23 employment when you don't actually know when
24 you're going home or when you can fill that
25 employment, and I'm just not blessed enough to
26 have any rich cousins here, or rich family members
27 that would just provide with a job open-ended, no

1 matter when, so if it's to Hawaii, then I'd
2 probably get an open-ended extension in L.A., but,
3 you know, there's not any realistic chances of
4 getting an employer to open-endedly extend a job
5 for -- and hold it on forever and forever.

6 **PRESIDING COMMISSIONER ENG:** Well, we -- I
7 mean the panel all understand how difficult it is
8 to find anything solid, you know, solid employment
9 while you're incarcerated, but at the same time
10 it's also appreciated, panels appreciate any
11 documentation that you could provide that shows
12 how -- you know, how many letters, who you're
13 writing to, that you're making an attempt, and
14 we've seen it with other inmates, how they --

15 **INMATE SUEGA:** Uh-huh.

16 **PRESIDING COMMISSIONER ENG:** -- they keep
17 track and they've got copies and dates and even --
18 and you know, where they receive responses,
19 because even people that aren't incarcerated --

20 **INMATE SUEGA:** Right.

21 **PRESIDING COMMISSIONER ENG:** -- you could
22 send thousands of letters and maybe only 5 percent
23 you might get responses --

24 **INMATE SUEGA:** Right.

25 **PRESIDING COMMISSIONER ENG:** -- so, but it
26 still shows the panel that you are making some
27 type of effort, okay, and looking at all the

50

1 potential possibilities. Okay. Have I missed
2 anything? Is there anything else that you would
3 like to add relative to your parole plans?

4 **INMATE SUEGA:** No.

5 **PRESIDING COMMISSIONER ENG:** Okay. In
6 reference to the 3042 Notices, apparently there is
7 one notice that was in the file, and I believe it
8 -- (inaudible). Okay. Well, for some reason this
9 -- the notice is dated June 5th, 2006 from the Los
10 Angeles Police Department, and it's signed by a
11 Greg Hall, H-A-L-L, Captain, and basically states
12 that, "It's the Department's position to adamantly
13 oppose the release of this inmate back into the
14 community." And we also --

15 **ATTORNEY STRINGER:** As to that letter,
16 Commissioner --

17 **PRESIDING COMMISSIONER ENG:** Yes.

18 **ATTORNEY STRINGER:** -- I would -- I'll
19 stipulate that the Los Angeles Police Department
20 is opposed to parole, but I would invoke my
21 client's right under Title 15, Section 2030, that
22 there is a ten-day rule regarding that type of
23 submission to the Board.

24 **PRESIDING COMMISSIONER ENG:** So noted.

25 **DEPUTY COMMISSIONER FILANGERI:** Typically,
26 we would not consider that.

27 **PRESIDING COMMISSIONER ENG:** Pardon me?

51

1 DEPUTY COMMISSIONER FILANGERI: Typically,
2 we would not consider that under these
3 circumstances.

4 PRESIDING COMMISSIONER ENG: I'm just
5 surprised that I see it dated June 5th, 2006 and
6 that I don't know what happened.

7 ATTORNEY STRINGER: It doesn't surprise me
8 any --

9 PRESIDING COMMISSIONER ENG: Oh.

10 ATTORNEY STRINGER: -- but that --

11 PRESIDING COMMISSIONER ENG: Okay.

12 ATTORNEY STRINGER: -- and the fact that he
13 has support letters that are somewhere --

14 PRESIDING COMMISSIONER ENG: Right.

15 ATTORNEY STRINGER: -- in Sacramento.

16 PRESIDING COMMISSIONER ENG: Okay. We will
17 not consider that, in all fairness. But we also
18 have the representative from the Los Angeles
19 County District Attorney's Office who is with us
20 ~~via video and who I'm sure will be making a~~
21 statement regarding your parole suitability prior
22 to us taking a recess for deliberations. So on
23 that, I'm going to ask my fellow Commissioner if
24 he has any further questions to ask you.

25 DEPUTY COMMISSIONER FILANGERI: Yeah, I do
26 have a few. I was looking over the transcripts of
27 the last hearings -- thank you, Commissioner --

52

1 and I'm not satisfied that you've explained what
2 triggered this incident.

3 INMATE SUEGA: Uh-huh.

4 DEPUTY COMMISSIONER FILANGERI: So what was
5 going through your mind when you shot at that
6 door?

7 INMATE SUEGA: Just -- I mean, it happened
8 so quickly that I was just hearing --

9 DEPUTY COMMISSIONER FILANGERI: What
10 happened so quickly?

11 INMATE SUEGA: I mean the whole event. So
12 people were running around --

13 DEPUTY COMMISSIONER FILANGERI: So how did
14 it -- how did the event begin?

15 INMATE SUEGA: We drove up in two carloads,
16 basically, and parked the cars down the street
17 because --

18 DEPUTY COMMISSIONER FILANGERI: Slow down a
19 little bit. Two carloads of who?

20 INMATE SUEGA: I didn't know all of them.

21 There was only two of them that I knew, the driver
22 and my friend. The other ones I knew from
23 (inaudible).

24 DEPUTY COMMISSIONER FILANGERI: Are you
25 saying you don't the names of the other people?

26 INMATE SUEGA: Art Sierra, because he was --
27 obviously went to court with me, so --

1 DEPUTY COMMISSIONER FILANGERI: So it's not
2 that you didn't know the names of the other
3 people.

4 INMATE SUEGA: I don't --

5 DEPUTY COMMISSIONER FILANGERI: What I'm
6 saying is, who were in those other cars, other
7 gang members?

8 INMATE SUEGA: Yes.

9 DEPUTY COMMISSIONER FILANGERI: Of what
10 gang?

11 INMATE SUEGA: West Side Wilmas.

12 DEPUTY COMMISSIONER FILANGERI: Your gang.

13 INMATE SUEGA: No. I was from Waterfront
14 Piru.

15 DEPUTY COMMISSIONER FILANGERI: And why
16 would you be running with these gangs?

17 INMATE SUEGA: As I said, I told her, it was
18 one of them was a friend of mine who used to sleep
19 over at my house, so he wasn't from that gang
20 also, it just -- he was in the car with them when
21 they threw a bottle at the car.

22 DEPUTY COMMISSIONER FILANGERI: So these
23 groups, this group of two carloads of people were
24 predominately these gang members?

25 INMATE SUEGA: Excuse me?

26 DEPUTY COMMISSIONER FILANGERI: This group.

27 INMATE SUEGA: Uh-huh.

1 DEPUTY COMMISSIONER FILANGERI: Comprised of
2 two carloads of people.

3 INMATE SUEGA: Yes.

4 DEPUTY COMMISSIONER FILANGERI: These people
5 in those cars were primarily gang members?

6 INMATE SUEGA: Yes.

7 DEPUTY COMMISSIONER FILANGERI: All right.
8 And you parked how far away?

9 INMATE SUEGA: About -- not directly in
10 front of the establishment because it was -- cars
11 were pulling out, so maybe a house away.

12 DEPUTY COMMISSIONER FILANGERI: So there was
13 activity going on in front of the establishment?

14 INMATE SUEGA: Yes.

15 DEPUTY COMMISSIONER FILANGERI: Cars pulling
16 out.

17 INMATE SUEGA: Yes.

18 DEPUTY COMMISSIONER FILANGERI: People?

19 INMATE SUEGA: Yes. People were leaving.

20 DEPUTY COMMISSIONER FILANGERI: Okay. And
21 you guys parked in front of the next address.

22 INMATE SUEGA: Yes. Yes.

23 DEPUTY COMMISSIONER FILANGERI: Did you all
24 get out of the car at the same time?

25 INMATE SUEGA: Yes. At that point everyone
26 got out the car. I stayed in the car. Everyone
27 left.

1 **DEPUTY COMMISSIONER FILANGERI:** Hang on.
2 Don't get too far away from me -- ahead of me.
3 Did you notice, were they carrying anything when
4 they got out of the car?

5 **INMATE SUEGA:** Yes. Bats, sticks -- not
6 bats, but sticks basically. I don't know about
7 big sticks, trashcan lids, pipes, stuff that they
8 grabbed from -- that were laying around in
9 projects.

10 **DEPUTY COMMISSIONER FILANGERI:** Had you ever
11 seen this kind of activity when a group of people
12 were carrying sticks and trashcan lids in the
13 past?

14 **INMATE SUEGA:** Sure. I mean we've got --

15 **DEPUTY COMMISSIONER FILANGERI:** Sure?

16 **INMATE SUEGA:** -- into fights before, you
17 know, and I mean that's part of, you know, the
18 culture of it I guess.

19 **DEPUTY COMMISSIONER FILANGERI:** So based on
20 your experience in the past, what do you think
21 these people's intent was?

22 **INMATE SUEGA:** Was to cause havoc, was to go
23 there and go after the guys that threw the bottle.
24 That was their -- that was what they wanted to do,
25 and that's what we were going back there to do.

26 **DEPUTY COMMISSIONER FILANGERI:** All right.
27 So now then went from the cars to the door. You

56

1 didn't accompany any of them?

2 INMATE SUEGA: No, not at first.

3 DEPUTY COMMISSIONER FILANGERI: You waited
4 in the car.

5 INMATE SUEGA: Yes, I sat in the car.

6 DEPUTY COMMISSIONER FILANGERI: And somebody
7 called you in the car?

8 INMATE SUEGA: The driver actually came back
9 to the car and moved the car directly in the front
10 of the establishment now, after going --

11 DEPUTY COMMISSIONER FILANGERI: But you're
12 still in the car?

13 INMATE SUEGA: Yes.

14 DEPUTY COMMISSIONER FILANGERI: He got back
15 out?

16 INMATE SUEGA: Shawn came up to the car and
17 told me to get out and bring the gun out that was
18 under the seat.

19 DEPUTY COMMISSIONER FILANGERI: Bring the
20 gun.

21 INMATE SUEGA: Yes.

22 DEPUTY COMMISSIONER FILANGERI: Hang on.

23 Now where was this gun?

24 INMATE SUEGA: Under the seat.

25 DEPUTY COMMISSIONER FILANGERI: Under what
26 seat?

27 INMATE SUEGA: Passenger seat.

57

1 DEPUTY COMMISSIONER FILANGERI: Under the
2 passenger seat.

3 INMATE SUEGA: Yes.

4 DEPUTY COMMISSIONER FILANGERI: How did you
5 know it was under the passenger seat?

6 INMATE SUEGA: Because I was in the car when
7 they brought it in.

8 DEPUTY COMMISSIONER FILANGERI: Well, I
9 guess we got to back up further. How many people
10 were in the car when you got in the car?

11 INMATE SUEGA: Five.

12 DEPUTY COMMISSIONER FILANGERI: And who
13 brought the car in -- who brought the gun in?

14 INMATE SUEGA: Shawn brought the gun in.

15 DEPUTY COMMISSIONER FILANGERI: The driver.

16 INMATE SUEGA: No, he was a back passenger.

17 DEPUTY COMMISSIONER FILANGERI: I see. And
18 was there any -- was the other car with you at
19 that point, with this car?

20 INMATE SUEGA: ~~They were in front of us.~~

21 They were the first car.

22 DEPUTY COMMISSIONER FILANGERI: So now
23 there's two carloads --

24 INMATE SUEGA: Yes.

25 DEPUTY COMMISSIONER FILANGERI: -- of gang
26 members --

27 INMATE SUEGA: Yes.

58

1 DEPUTY COMMISSIONER FILANGERI: -- and
2 somebody brings a gun to the car, puts it under
3 the seat --

4 INMATE SUEGA: Yes.

5 DEPUTY COMMISSIONER FILANGERI: -- in your
6 car.

7 INMATE SUEGA: Yes.

8 DEPUTY COMMISSIONER FILANGERI: And then
9 they all go to this place, they all jump out, and
10 they all got -- most of them jump out, they got
11 sticks and trashcan lids.

12 INMATE SUEGA: Uh-huh.

13 DEPUTY COMMISSIONER FILANGERI: But you stay
14 back. Why did you stay back?

15 INMATE SUEGA: I mean it was also to watch
16 the gun, stay back with the gun. You know, I was
17 in the front passenger seat. Everybody got out.
18 I --

19 DEPUTY COMMISSIONER FILANGERI: You were the
20 only one that stayed back?

21 INMATE SUEGA: There was two of us. I
22 forgot the other guy's name that was in the back
23 of the car.

24 DEPUTY COMMISSIONER FILANGERI: What was the
25 reason for him staying back?

26 INMATE SUEGA: I don't know. Probably the
27 same reason I was. I was -- I was just -- I was

59

1 scared also. I didn't want to get out. It was
2 moving fast, and part of it was fear.

3 **DEPUTY COMMISSIONER FILANGERI:** Okay.

4 **INMATE SUEGA:** I didn't have to get out and
5 participate in a sense.

6 **DEPUTY COMMISSIONER FILANGERI:** Okay. So
7 everybody goes over to this establishment, and you
8 stay back, your partner stays back -- your
9 companion stays back, and then Shawn comes to get
10 you. The other people, the second person in the
11 car with you, and Shawn, you know, not counting
12 them, what were all the other people doing at that
13 point?

14 **INMATE SUEGA:** Actually, the driver came
15 back and got the car --

16 **DEPUTY COMMISSIONER FILANGERI:** Sorry.

17 **INMATE SUEGA:** -- and moved the car again --

18 **DEPUTY COMMISSIONER FILANGERI:** Okay.

19 **INMATE SUEGA:** -- in front of the
20 establishment and --

21 **DEPUTY COMMISSIONER FILANGERI:** Still
22 though, what were the other people doing? I mean,
23 were you able to watch what these people were
24 doing?

25 **INMATE SUEGA:** They were running around with
26 the bats -- I mean not bats but sticks and pipes
27 and trashcan lids, chase -- chasing people, I

1 guess.

2 DEPUTY COMMISSIONER FILANGERI: Chasing
3 people.

4 INMATE SUEGA: Well, they were running
5 around, so I assumed they were chasing someone.

6 DEPUTY COMMISSIONER FILANGERI: Well, you
7 don't have to assume, you were right there,
8 weren't you?

9 INMATE SUEGA: Not up close first. Not up--

10 DEPUTY COMMISSIONER FILANGERI: How far --

11 INMATE SUEGA: -- at the establishment.

12 DEPUTY COMMISSIONER FILANGERI: -- away were
13 you?

14 INMATE SUEGA: Again, it was a house -- sort
15 of a house away from the establishment.

16 DEPUTY COMMISSIONER FILANGERI: Well, what
17 kind of neighborhood are we talking about? We're
18 talking about the suburbs where houses are on
19 several acre plots here?

20 INMATE SUEGA: Well, there's a building, and
21 then parking lot, and then there's a house --

22 DEPUTY COMMISSIONER FILANGERI: Okay.

23 INMATE SUEGA: -- here, so in the parking
24 lot, people were coming out of the parking lot,
25 and we were parked in front of the house because
26 the streets are basically blocked off, so
27 everything was going on over here, in the parking

61

1 lot in front of the building.

2 DEPUTY COMMISSIONER FILANGERI: Do you know
3 how big a football field is?

4 INMATE SUEGA: Yes.

5 DEPUTY COMMISSIONER FILANGERI: Were you a
6 football field length away?

7 INMATE SUEGA: No.

8 DEPUTY COMMISSIONER FILANGERI: Were you a
9 football field width away?

10 INMATE SUEGA: Maybe ten to 15 yards.

11 DEPUTY COMMISSIONER FILANGERI: Ten to 15
12 yards.

13 INMATE SUEGA: Yes. With cars and people
14 walking around.

15 DEPUTY COMMISSIONER FILANGERI: Could you
16 see what your -- the people that you arrived there
17 with were doing?

18 INMATE SUEGA: I could see them running
19 around.

20 DEPUTY COMMISSIONER FILANGERI: So you
21 didn't know why they were running around?

22 INMATE SUEGA: Well, I assumed they were
23 chasing someone around.

24 DEPUTY COMMISSIONER FILANGERI: Okay. But
25 you didn't see them actually chase anybody.

26 INMATE SUEGA: I didn't see them --

27 DEPUTY COMMISSIONER FILANGERI: Is that your

1 testimony?

2 INMATE SUEGA: -- actually chase nor hit
3 somebody --

4 DEPUTY COMMISSIONER FILANGERI: Okay.

5 INMATE SUEGA: -- so --

6 DEPUTY COMMISSIONER FILANGERI: So then they
7 move the car right to the front of the place. Now
8 you had a real good look on things I assume; is
9 that right?

10 INMATE SUEGA: Yes.

11 DEPUTY COMMISSIONER FILANGERI: What were
12 the other people doing then?

13 INMATE SUEGA: Immediately when we got up
14 there, Shawn came up to the door and told me to
15 get out with the gun, and I got out. Art Sierra,
16 which was also convicted with me, was hitting on
17 the door, banging on the door, yelling, "Shoot the
18 door. Shoot the door."

19 DEPUTY COMMISSIONER FILANGERI: Was he the
20 only one hitting on the door, banging on the door?

21 INMATE SUEGA: Yes, that I can --

22 DEPUTY COMMISSIONER FILANGERI: Nobody else?

23 INMATE SUEGA: I couldn't remember anybody
24 else. It was just him at the time, banging on the
25 door, and me and Shawn were stand --

26 DEPUTY COMMISSIONER FILANGERI: Well, I want
27 to push on this "I couldn't remember anybody

1 else." Are you -- does that mean that you don't
2 recall seeing anybody else hit the door, or does
3 that mean you just don't know the name of all the
4 other people that were hitting the door?

5 INMATE SUEGA: I didn't see anyone around.

6 DEPUTY COMMISSIONER FILANGERI: Okay.

7 INMATE SUEGA: I also didn't know everyone's
8 names, but I didn't see anyone else at the door.

9 DEPUTY COMMISSIONER FILANGERI: So as far as
10 you're concerned, only one person is hitting the
11 door.

12 INMATE SUEGA: Yes.

13 DEPUTY COMMISSIONER FILANGERI: And he's the
14 one telling you to shoot at the door.

15 INMATE SUEGA: He was banging on the door
16 saying, "Shoot the door. Shoot the door," and
17 Shawn was standing next to me, so I turned to
18 Shawn, and Shawn said, "Shoot the door. Shoot the
19 door," and so I turned and just shot at the door.

20 DEPUTY COMMISSIONER FILANGERI: You know, I
21 guess we forgot to talk about something. How did
22 you get the gun out of the car?

23 INMATE SUEGA: Out of the car seat, from the
24 bottom, I mean --

25 DEPUTY COMMISSIONER FILANGERI: When had --

26 INMATE SUEGA: -- from the passenger --

27 DEPUTY COMMISSIONER FILANGERI: -- you done

1 that?

2 INMATE SUEGA: When I got out of the car.

3 It's --

4 DEPUTY COMMISSIONER FILANGERI: How far away
5 from the car were you when you shot at the door?

6 INMATE SUEGA: I had just took a couple
7 steps to the sidewalk, so it was a grass -- maybe
8 five feet away from the car, and maybe 15 feet
9 away from the door, 15 to 20 feet away from the
10 door.

11 DEPUTY COMMISSIONER FILANGERI: Closer to
12 the car than the door.

13 INMATE SUEGA: Yes.

14 DEPUTY COMMISSIONER FILANGERI: But no more
15 than like a car's length from the door. Cars --
16 you know, a car length?

17 INMATE SUEGA: Yeah.

18 DEPUTY COMMISSIONER FILANGERI: The length
19 of a car?

20 INMATE SUEGA: About a car, car and a half,
21 maybe.

22 DEPUTY COMMISSIONER FILANGERI: And you
23 still can't come up with any reason for shooting
24 at the door?

25 INMATE SUEGA: I mean I shot at the door by
26 just reacting. I mean the reasons can go back to,
27 you know, (inaudible) decisions I've made

65

1 throughout my childhood, I guess, and from --
2 starting from the age of 13, you know, why did I
3 do what I did. And so I mean I sold drugs and
4 accumulated almost seven, eight arrests for drug
5 and possession, and why did I continue to do it.
6 I mean it's, you know --

7 DEPUTY COMMISSIONER FILANGERI: That's --

8 INMATE SUEGA: -- simply called --

9 DEPUTY COMMISSIONER FILANGERI: --
10 something--

11 INMATE SUEGA: -- insanity.

12 DEPUTY COMMISSIONER FILANGERI: I don't know
13 why you can't answer that question, I want to know
14 why you can't answer this question.

15 INMATE SUEGA: I --

16 DEPUTY COMMISSIONER FILANGERI: And Counsel,
17 you can object to this if you think it's
18 argumentative, but I'm still going to get the
19 question on the record.

20 INMATE SUEGA: Uh-huh.

21 DEPUTY COMMISSIONER FILANGERI: What stops
22 you from saying, "Yeah, these are gang bangers
23 that were trying to get at the people inside that
24 door, and I was part of it"?

25 INMATE SUEGA: Well --

26 DEPUTY COMMISSIONER FILANGERI: What stops
27 you from saying that?

66

1 **INMATE SUEGA:** Feeling like you're -- you
2 won't be accepted. I mean, it's just being
3 rejected, and so, you know, these -- this is a
4 group of people that I ended up associating with,
5 this is where I went to look for acceptance, and
6 it was in the wrong place. It was false
7 acceptance.

8 **DEPUTY COMMISSIONER FILANGERI:** Okay. Well,
9 let's try the back door. What does it take to be
10 accepted by these people?

11 **INMATE SUEGA:** I was selling drugs for them.

12 **DEPUTY COMMISSIONER FILANGERI:** You were
13 selling drugs for these people?

14 **INMATE SUEGA:** Yes.

15 **DEPUTY COMMISSIONER FILANGERI:** Same --

16 **INMATE SUEGA:** Not the same --

17 **DEPUTY COMMISSIONER FILANGERI:** Same gang?

18 **INMATE SUEGA:** -- people, but I mean in the
19 same sort of, you know --

20 **DEPUTY COMMISSIONER FILANGERI:** Gang
21 bangers--

22 **INMATE SUEGA:** -- atmosphere.

23 **DEPUTY COMMISSIONER FILANGERI:** -- but
24 different moniker, different gang?

25 **INMATE SUEGA:** Right.

26 **DEPUTY COMMISSIONER FILANGERI:** All right.
27 I'm not trying to put words in your mouth, I'm

67

1 sorry, but when I say something like that it's
2 because that's the impression I'm getting, or
3 testing it on you, with the intention that you
4 correct me if I'm wrong, okay?

5 **INMATE SUEGA:** Yeah.

6 **DEPUTY COMMISSIONER FILANGERI:** Okay. So
7 what else did it take to get these people's
8 respect?

9 **INMATE SUEGA:** I mean, just -- I mean
10 violence. I know now violence gets people's
11 respect in the gang culture and drugs and --

12 **DEPUTY COMMISSIONER FILANGERI:** Had you
13 been--

14 **INMATE SUEGA:** -- selling drugs.

15 **DEPUTY COMMISSIONER FILANGERI:** -- violent
16 around these gang people before?

17 **INMATE SUEGA:** No. That's why -- I mean not
18 at that time.

19 **DEPUTY COMMISSIONER FILANGERI:** This is the
20 first time.

21 **INMATE SUEGA:** Well, that's the first time I
22 shot. I mean I participated in gang sort of
23 fights and pretty much, you know, violence in that
24 way.

25 **DEPUTY COMMISSIONER FILANGERI:** What had
26 your role been in those things?

27 **INMATE SUEGA:** A follower. I mean like I

68

1 said, I was a follower. I was --

2 DEPUTY COMMISSIONER FILANGERI: Okay. No
3 doubt. But I was thinking, did you have a
4 trashcan lid, did you have a knife, did you have a
5 bat, a pipe?

6 INMATE SUEGA: No. I mean just --

7 DEPUTY COMMISSIONER FILANGERI: Did you have
8 anything?

9 INMATE SUEGA: -- just (inaudible)
10 fightings, just fighting with the fists.

11 DEPUTY COMMISSIONER FILANGERI: Well, you
12 never armed yourself with anything?

13 INMATE SUEGA: No.

14 DEPUTY COMMISSIONER FILANGERI: Never ever?

15 INMATE SUEGA: I mean I've had sticks and
16 stuff in fighting, but I've never carried knives
17 and guns at the time.

18 DEPUTY COMMISSIONER FILANGERI: Okay.

19 INMATE SUEGA: I mean proof of that would be
20 -- I mean I had constant contact with police over
21 a span of three and a half years. Not once was I
22 ever caught with possession of a knife let alone a
23 gun.

24 DEPUTY COMMISSIONER FILANGERI: You know --
25 and I don't mean to argue with you. I'm --

26 INMATE SUEGA: Well, I was just --

27 DEPUTY COMMISSIONER FILANGERI: -- not

1 trying --

2 INMATE SUEGA: All right.

3 DEPUTY COMMISSIONER FILANGERI: I'm just
4 trying to get to the truth. Okay. Did you ever
5 hit anybody in a fight with a stick?

6 INMATE SUEGA: Yes.

7 DEPUTY COMMISSIONER FILANGERI: And how was
8 that any different than shooting in this door?

9 INMATE SUEGA: There's no difference.

10 DEPUTY COMMISSIONER FILANGERI: You're sure?

11 INMATE SUEGA: It's violence.

12 DEPUTY COMMISSIONER FILANGERI: Because your
13 answer to the questions for the last -- at the
14 last two hearings like there's a big difference.

15 INMATE SUEGA: Well --

16 DEPUTY COMMISSIONER FILANGERI: Like there's
17 something that just keeps you from saying, "Yeah,
18 it was a gang thing. I got caught up in it and I
19 just shot at the door." But you don't say that.

20 INMATE SUEGA: It's easy for me to remove
21 myself now because there's no -- I mean I felt --
22 there's no pressures now in a sense as a kid to
23 wanting to belong to something and to be accepted
24 by a group of people, and you know, those
25 pressures don't affect me now because I know who I
26 am now.

27 DEPUTY COMMISSIONER FILANGERI: Sure. It's

1 hard --

2 INMATE SUEGA: And so --

3 DEPUTY COMMISSIONER FILANGERI: -- for you
4 to even imagine how real it was then.

5 INMATE SUEGA: Right. I mean everyone's
6 been a child before, a kid before, and we've all
7 done things I think as kids that we regret later,
8 and so, you know, in that way I'm saying that, you
9 know, it's not a excuse that I was impressionable
10 and was used by people, you know, it's just the
11 reality that I fell into a space that -- I mean I
12 could've went to a marine base and blew up a
13 marine base and I would've been a marine. If I'd
14 have grew up in a, you know, a college environment
15 where academics was important, I'd have been a
16 academic.

17 DEPUTY COMMISSIONER FILANGERI: It's a
18 culture thing.

19 INMATE SUEGA: I mean it's not a cultural
20 thing in that sense.

21 DEPUTY COMMISSIONER FILANGERI: A
22 neighborhood cultural sort of thing.

23 INMATE SUEGA: It's difficult to remove
24 yourself if you have an inability to remove
25 yourself.

26 DEPUTY COMMISSIONER FILANGERI: Sure.

27 INMATE SUEGA: And so I couldn't just walk

71

1 away from the situation, I was placed in a
2 situation, and the friends that I had to make
3 friends with were usually friends that were
4 associated in that neighborhood with gangs and
5 drugs --

6 **DEPUTY COMMISSIONER FILANGERI:** I got you.
7 I got you.

8 **INMATE SUEGA:** -- and I mean --

9 **DEPUTY COMMISSIONER FILANGERI:** I want to
10 switch gears thought.

11 **INMATE SUEGA:** All right.

12 **DEPUTY COMMISSIONER FILANGERI:** I want to
13 switch gears a little bit. I know my partner is
14 getting concerned about how much time I'm taking
15 here. Why you and the gun?

16 **INMATE SUEGA:** Huh?

17 **DEPUTY COMMISSIONER FILANGERI:** How'd that
18 marriage happen? Why you and the gun? How did
19 those -- how did you get connected with the gun?

20 **INMATE SUEGA:** I was in the passenger seat
21 and they -- when they brought the gun, they handed
22 it to me, I put it underneath the car seat and --

23 **DEPUTY COMMISSIONER FILANGERI:** So it's just
24 being dumb luck that you were shotgun?

25 **INMATE SUEGA:** Not dumb luck. I mean I'm
26 not -- you know, it made me feel important that I
27 was --

1 DEPUTY COMMISSIONER FILANGERI: Sure.

2 INMATE SUEGA: -- placed in the situation
3 where, "Okay, here's this responsibility." As
4 dumb as that sounds, you know, I was a kid and
5 thought like a kid, and you know, to be placed
6 with that responsibility, it sort of made me feel
7 important and powerful, and so, you know, when I
8 took the gun out, I mean I didn't come out and
9 look at things and feel powerless in a sense, it
10 gave me some kind of power in a false sense, but
11 it also took away, you know, it took away a life.
12 And when I shot into the door and ran, I had no
13 idea --

14 DEPUTY COMMISSIONER FILANGERI: You're
15 getting ahead of me here.

16 INMATE SUEGA: -- that, you know.

17 DEPUTY COMMISSIONER FILANGERI: You were in
18 the passenger seat, the front passenger seat,
19 right?

20 INMATE SUEGA: Right.

21 DEPUTY COMMISSIONER FILANGERI: Shotgun.

22 INMATE SUEGA: Well, yeah, in the car seat.

23 DEPUTY COMMISSIONER FILANGERI: Right?

24 INMATE SUEGA: Yes.

25 DEPUTY COMMISSIONER FILANGERI: All these
26 other guys are gang partners and stuff.

27 INMATE SUEGA: Right.

1 DEPUTY COMMISSIONER FILANGERI: How did you
2 rate getting in the primary seat in the car --

3 INMATE SUEGA: It was --

4 DEPUTY COMMISSIONER FILANGERI: -- or a
5 special seat in the car, next to the driver?

6 INMATE SUEGA: It was -- it wasn't that
7 special at the time when --

8 DEPUTY COMMISSIONER FILANGERI: No? There
9 wasn't anything special about that night for you.

10 INMATE SUEGA: No, not that I thought. I
11 mean it was chaotic. I mean everybody was running
12 into the cars. I jumped in and jumped in front.

13 DEPUTY COMMISSIONER FILANGERI: Whose car
14 was it?

15 INMATE SUEGA: I can't recall his name.

16 DEPUTY COMMISSIONER FILANGERI: But not your
17 buddy's?

18 INMATE SUEGA: No, but he was one of the
19 state witnesses, one of the major state witnesses.

20 DEPUTY COMMISSIONER FILANGERI: Yeah. His
21 name is not important. All right. How's this gun
22 work?

23 INMATE SUEGA: Just clicked it back and you
24 shot, it just shot.

25 DEPUTY COMMISSIONER FILANGERI: Clicked what
26 back?

27 INMATE SUEGA: The side.

74

1 DEPUTY COMMISSIONER FILANGERI: So you had
2 the click the back --

3 INMATE SUEGA: Yes.

4 DEPUTY COMMISSIONER FILANGERI: -- click it
5 back to make it go?

6 INMATE SUEGA: Yes. I don't know what it's
7 called. I mean I'm not familiar with firearms,
8 but there's a thing that you pull back to load
9 basically, and it'd just fire. I was surprised it
10 fired that many times, what they said. I didn't
11 think I shot that many times.

12 DEPUTY COMMISSIONER FILANGERI: How many
13 times did you pull the trigger?

14 INMATE SUEGA: I thought twice.

15 DEPUTY COMMISSIONER FILANGERI: And how many
16 times did it go off?

17 INMATE SUEGA: They said 11 shots in the
18 report.

19 DEPUTY COMMISSIONER FILANGERI: Was this the
20 kind of gun that would go off more than once if
21 you just pulled -- if you just held the trigger?

22 INMATE SUEGA: I don't know.

23 DEPUTY COMMISSIONER FILANGERI: You don't
24 know.

25 INMATE SUEGA: It just fired, and so I
26 thought --

27 DEPUTY COMMISSIONER FILANGERI: How did you

75

1 know to pull the thing back to make it go?

2 INMATE SUEGA: Seen it in a billion movies.

3 I mean, it's all the same, I mean, movies and

4 video games and stuff.

5 DEPUTY COMMISSIONER FILANGERI: Because in

6 reading the psychiatrist's report and

7 psychologist's report, you seemed to have

8 convinced the psychologist that you really weren't

9 familiar with this stuff, you really didn't know

10 how it worked, or what it was capable of, or that

11 stuff.

12 INMATE SUEGA: Well, that's not absolutely

13 true. I mean, I've seen --

14 DEPUTY COMMISSIONER FILANGERI: Well, now's

15 the time to clear that up.

16 INMATE SUEGA: I've seen guns around.

17 DEPUTY COMMISSIONER FILANGERI: Yeah?

18 INMATE SUEGA: What I told her is that I'd

19 never used guns as another -- carried guns around

20 nor used them.

21 DEPUTY COMMISSIONER FILANGERI: Had you

22 handled this specific gun before?

23 INMATE SUEGA: No.

24 DEPUTY COMMISSIONER FILANGERI: Had you

25 handled a gun like it?

26 INMATE SUEGA: No.

27 DEPUTY COMMISSIONER FILANGERI: Had you ever

76

1 handled a gun that you had to pull the thing back
2 in order to make it go?

3 INMATE SUEGA: Handguns.

4 DEPUTY COMMISSIONER FILANGERI: What kind of
5 handgun?

6 INMATE SUEGA: Handguns, I guess.

7 DEPUTY COMMISSIONER FILANGERI: The same
8 kind of thing?

9 INMATE SUEGA: Three-eighty. No, it was
10 different, so --

11 DEPUTY COMMISSIONER FILANGERI: A different
12 kind of thing.

13 INMATE SUEGA: Probably.

14 PRESIDING COMMISSIONER ENG: How about
15 safeties? Were there any safeties on this thing?

16 INMATE SUEGA: Safeties? There probably
17 was. I didn't know if was.

18 DEPUTY COMMISSIONER FILANGERI: So as far as
19 you had to do is just pull the thing out from
20 underneath the seat, pull the thing back and pull
21 the trigger?

22 INMATE SUEGA: Yeah. At that time I'm only
23 sort like I said, the handguns, like pellet guns,
24 BB guns with air tanks that you either pump the
25 bottom, or there's a air cartridge where you pull
26 back and --

27 DEPUTY COMMISSIONER FILANGERI: Yeah, but

77

1 this wasn't --

2 INMATE SUEGA: -- pump the air.

3 DEPUTY COMMISSIONER FILANGERI: -- anything
4 like that.

5 INMATE SUEGA: Right.

6 DEPUTY COMMISSIONER FILANGERI: Was it?

7 INMATE SUEGA: No.

8 DEPUTY COMMISSIONER FILANGERI: That's what
9 I'm saying.

10 INMATE SUEGA: Right.

11 DEPUTY COMMISSIONER FILANGERI: The
12 psychologist seems to think that with your limited
13 experience with this thing that it somehow
14 exonerates you from responsibility since all you
15 knew about was BB guns and pellet guns and say,
16 "I'm not violent."

17 INMATE SUEGA: Right. Right. A three year
18 old took a gun and shot themselves with a gun a
19 couple months ago. I mean it's --

20 ~~DEPUTY COMMISSIONER FILANGERI:~~ You know,
21 that's true. I don't know what life's like back
22 on the block. Maybe --

23 INMATE SUEGA: Well, I mean --

24 DEPUTY COMMISSIONER FILANGERI: -- for your
25 own -- you don't know how guns work --

26 INMATE SUEGA: -- what I'm saying is the
27 gun--